

### **REMARKS**

This is a full and timely response to the outstanding Final Office Action mailed November 15, 2006. Claims 1 and 31 have been amended. Reconsideration and allowance of the application and pending claims 1-37 and 39-62 are respectfully requested.

#### **I. Claim Rejections - 35 U.S.C. § 103(a)**

##### **A. Rejection of Claims 1-8, 15-37 and 42-62**

Claims 1-8, 15-37, and 42-62 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rothmuller* ("*Rothmuller*", U.S. 5,635,989) in view of *Legall et al.* ("*Legall*," U.S. Pat. No. 6,005,565). Claims 9-14 and 39-41 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Rothmuller* in view of *Legall*, and further in view of *Boyer et al.* ("*Boyer*," U.S. Pat. No. 6,268,849). Applicant respectfully submits that the rejections have been rendered moot in view of the above-described amendments to claims 1 and 31. Additionally, Applicant respectfully submits that claims 1-37 and 39-62 are allowable over the art of record.

##### **B. Discussion of the Rejection**

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;

- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Applicant respectfully submits that a *prima facie* case of obviousness is not established using the art of record.

### **Independent Claim 1**

Claim 1 recites (with emphasis added):

1. A programmable television services client device for enabling a user to search for television program information, said client device comprising:
  - memory for storing a first data including respective program information corresponding to a plurality of television programs, said respective program information including a first program parameter;
  - display configuration information contained in said memory that includes a guide arrangement for an interactive program guide (IPG), wherein said guide arrangement is configured to provide a user-selectable search option for television programs in the first data; and
  - a processor configured to,
    - provide the IPG with a first portion of the first data, said first portion including program information for respective television programs according to the initial guide arrangement, said first portion including a channel area and a program display area, said program display area including television program titles corresponding to the television programs and time periods that are assigned to the television program titles,
    - provide the user-selectable search option having browse-by formats of title, theme, time and character word or sequence search responsive to the user selecting the user-selectable search option, ***the user-selectable search option being displayed in place of the channel area while retaining in a display, the program display area,***

provide a guide arrangement in the character word or sequence search format responsive to the user selecting the search format from the user-selectable search option,

receive a text string from the user by way of the guide arrangement in the character word or sequence search format, said text string being input by the user, said text string corresponding to the first program parameter,

search the first data in said memory for television programs corresponding to the received text string, and

responsive to searching the first data in said memory, provide a displayed search result comprising the IPG with a second portion of the first data, said second portion including program information for at least a portion of the corresponding television programs resulting from the search.

Applicant respectfully submits that the rejections of independent claim 1 and the respective dependent claims have been rendered moot. Further, as to the amended claim 1, Applicant respectfully submits that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features.

The Office Action alleges the following in the Response to Arguments section on page 2:

...Rothmuller fails to teach displaying search option in a channel area, however, this deficiency is discloses[sic] in *Legall* where a search option is displayed in a Power Search area which is also a channel area for selecting channels to be searched (figs.2 and 3B, channel selection arrows). *Legall* clearly illustrates a display interface of multiple windows, one that displays the current tune channel and second window which includes a channel search area and also a power search area where a user selectable search option are displayed. . .

Applicant agrees that *Rothmuller* fails to teach displaying the search option in a channel area, but respectfully disagrees that *Legall* remedies this deficiency. Further, even assuming *arguendo* that *Legall* shows a channel area in the Power Search area, Applicant respectfully submits that the combination of *Rothmuller* and *Legall* fails to disclose, teach, or suggest at least the above-

emphasized claim feature of a “*user-selectable search option being displayed in place of the channel area while retaining in a display, the program display area.*”

Thus, Applicant respectfully submits that the combination of *Rothmuller* and *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the rejection of independent claim 1 be withdrawn.

Because independent claim 1 is allowable over *Rothmuller* and *Legall*, dependent claims 2-8, 15-30, and 59-60 are allowable as a matter of law for at least the reason that the dependent claims 8, 15-30, and 59-609 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

### **Independent Claim 31**

Claim 31 recites (with emphasis added):

31. A method for implementing a programmable television services client device to enable a user to search for television program information, said method for implementing a programmable television services client device comprising the steps of:

- receiving in the client device from a server device a first data including respective program information corresponding to a plurality of scheduled television programs;

- storing the first data in a memory of the client device;

- providing an IPG with a user-selectable search option for television programs in the first data, the user-selectable search option having browse-by formats of title theme, time, and a character word or sequence search, said IPG including a channel area and a program display area, said program display area including television program titles corresponding to the television programs and time periods that are assigned to the television program titles,

- responsive to the user selecting the character word or sequence search format of the user-selectable search option, *displaying the user-selectable search option in place of the channel area while retaining in a display, the program display area*, providing a guide arrangement in the character word or sequence search format, implementing a search for television programs in the first data stored in said memory of the client corresponding to a text string received from the user by way of the guide arrangement in the character word or sequence search format, said search being limited according to a user-selected time period to television programs corresponding to the user-selected time period, wherein the

user-selected time period is selected by the user from a plurality of user-selected time periods; and

responsive to implementing the search, providing a displayed search result in the IPG comprising program information from said first data corresponding to at least a portion of the television programs resulting from the search.

Applicant respectfully submits that the rejections of independent claim 31 and the respective dependent claims have been rendered moot. For similar reasons presented in association with independent claim 1, Applicant respectfully submits that the combination of *Rothmuller* and *Legall* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the rejection of independent claim 31 be withdrawn.

Because independent claim 31 is allowable over *Rothmuller* and *Legall*, dependent claims 32-37, 42-58, and 61-62 are allowable as a matter of law.

#### **Rejection of Claims 9-14 and 39-41**

As explained above, Applicant respectfully submits that *Rothmuller* in view of *Legall* fails to disclose, teach, or suggest at least the above-emphasized features of amended independent claims 1 and 31. Further, it is respectfully submitted that *Boyer* fails to remedy the deficiencies of *Rothmuller* and *Legall*. Thus, independent claims 1 and 31 are allowable over the combination of *Rothmuller*, *Legall*, and *Boyer*. For at least the reasons that dependent claims 9-14 and 39-41 incorporate the features of respective allowable independent claims 1 and 31, Applicant respectfully submits that claims 9-14 and 39-41 are allowable over the combination of *Rothmuller*, *Legall*, and *Boyer*.

## CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/dr/

David Rodack  
Registration No. 47,034

**THOMAS, KAYDEN,  
HORSTEMEYER & RISLEY, L.L.P.**  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, Georgia 30339  
(770) 933-9500